

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRIAN KEMP, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**PARTIES' JOINT NOTICE REGARDING CURLING PLAINTIFFS'
STIPULATED DISMISSAL**

1. Pursuant to this Court's Order dated May 25, 2018 (Dkt. No. 215) ("Order"), the Parties, by and through their respective counsel, hereby notify the Court that the Parties intend to proceed under a Stipulation with respect to dismissing certain claims and defendants in the Second Amended Complaint (Dkt. No. 70).

2. Curling Plaintiffs have conferred with all other Parties to this litigation. The Parties have entered into and filed the aforementioned Stipulation today (June 1, 2018). *See* Dkt. No. 218.

3. The Stipulation is contingent upon the Court's docketing of the Coalition Plaintiffs' proposed Third Amended Complaint (Dkt. No. 160-1) as the

Coalition Plaintiffs' operative complaint, as the Court has indicated it is prepared to do. (Order, at 1.)

4. Given that the Curling Plaintiffs will not file a motion to amend the Second Amended Complaint and all Parties have consented to amending the Second Amended Complaint via the Stipulation, no schedule for briefing regarding the agreed-upon amendments is necessary or appropriate, and the Parties do not propose one.

5. The Parties anticipate filing soon a joint motion to sever the Coalition Plaintiffs' claims in their proposed Third Amended Complaint from Curling Plaintiffs' claims in the Second Amended Complaint, as amended via stipulation. The Parties believe such severance will maximize efficiency and best secure the just, speedy, and inexpensive determination of each action.

6. Unless the Court plans to deny Defendants' pending motions to dismiss (Dkt. Nos. 82 and 83) and find that the Curling Plaintiffs' stipulated-to Second Amended Complaint does not implicate issues of sovereign immunity, Curling Plaintiffs request the right to respond to the May 8, 2018 filing titled Advisory Notice of Defendants Secretary of State Kemp and State Election Board Officials Regarding Immunity (Dkt. No. 191). Defendants Secretary of State Kemp, the State Election Board Officials, and the State Election Board submitted a

20-page brief making substantive legal arguments regarding their pending motion to dismiss the Second Amended Complaint to which the Curling Plaintiffs have not yet been permitted a response. Although the Curling Plaintiffs believe Defendants' motions to dismiss lack merit, they should be permitted a response to this new substantive filing by Defendants Secretary of State Kemp, the State Election Board Officials, and the State Election Board unless the Court is denying those motions and thus does not need further briefing. The Curling Plaintiffs request that they be permitted to file their response on or before Friday, June 8, 2018. To the extent the Court permits Defendants to reply, Defendants will do so within ten (10) days.

7. Coalition Plaintiffs respectfully request the Court to set an expedited briefing schedule for any motions to dismiss directed at the Third Amended Complaint.

8. The Parties request a status conference with the Court at its earliest convenience.

Dated: June 1, 2018

Respectfully submitted,

/s/ Adam M. Sparks

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CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross
David D. Cross

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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2018, a copy of the foregoing PARTIES' JOINT NOTICE REGARDING CURLING PLAINTIFFS' STIPULATED DISMISSAL was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Adam M. Sparks
Adam M. Sparks